

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BANK OF AMERICA, N.A.,

Plaintiff

v.

AUBURN AND BRADFORD AT
PROVIDENCE HOMEOWNERS
ASSOCIATION, et al.,

Defendants

Case No.: 2:16-cv-02761-APG-BNW

Order for Final Judgment

Plaintiff Bank of America, N.A. sued defendants Auburn and Bradford at Providence Homeowners Association, Vern Elmer, and Nevada Association Services, Inc. (NAS). Bank of America settled its dispute with Auburn. ECF No. 71. I granted summary judgment in Bank of America's favor as to Elmer. ECF No. 73. NAS has not appeared in this case and Bank of America has not pursued its claims against NAS, so I ordered Bank of America to show cause why its claims against NAS should not be dismissed for failure to prosecute. *Id.*

Bank of America responded to the order to show cause by asserting that its claims against NAS were in the alternative to its declaratory relief claim, so now that I have granted summary judgment in Bank of America's favor on that claim, I can dismiss the alternative claims against NAS as moot. Bank of America requests that if I dismiss the claims against NAS for failure to prosecute, I should ensure that ruling does not impact my summary judgment ruling on declaratory relief.

The complaint alleges damages claims against NAS in the alternative to Bank of America's declaratory relief claim. *See* ECF No. 1 at 13-14. Because Bank of America prevailed on that claim, I dismiss the alternative damages claims against NAS as moot.

1 I THEREFORE ORDER that plaintiff Bank of America, N.A.'s claims against defendant
2 Nevada Association Services, Inc. are dismissed as moot.

3 I FURTHER ORDER the clerk of court to enter final judgment in favor of plaintiff Bank
4 of America, N.A. and against defendant Vern Elmer as follows: I declare that Bank of America,
5 N.A.'s deed of trust encumbering the property located at 6566 Brooklyn Heights Street, Las
6 Vegas, Nevada 89166 was not extinguished by the homeowners association foreclosure sale that
7 was conducted on September 7, 2012.

8 DATED this 15th day of May, 2024.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE